

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CONDRA SMITH,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.: 1:18-CV-348-TLS-SLC
)	
U.S. DEPARTMENT OF EDUCATION,)	
et al,)	
)	
Defendants.)	

ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS
GENERAL REVENUE CORPORATION, PIONEER CREDIT
RECOVERY, INC. AND UNITED STUDENT AID FUNDS, INC.

Defendants General Revenue Corporation (“GRC”), Pioneer Credit Recovery, Inc. (“PCR”), and United Student Aid Funds, Inc. (“USA Funds”), for their Answer and Affirmative Defenses to Plaintiff Condra Smith’s (“Smith”) Complaint, state:

1. I am victim of fraudulent activity while attending Indiana State Univ. I had a Scholarship and received honors and rewards while attending the university. (Rewards like pell grant Indiana)

Their two student loans Perkin and Stafford that I did not authorize added to my account. There was no need to take about loans. I had a scholarship and work (FWS) while attending school. Non of this money came to be directly. This alleged debt was given directly to the school.

I did not see any of this money.

Indiana State Univ has allowed me to be terrorized while time attending there. From having my car vandalized to being assaulted, and now fraudulent activity.

None of this loans have my signature or handwriting.

Number 1 (attached) is letter showing I had scholarship during my time at Indiana State University.

Number 2 & 3 (attachments) are copies of my signature.

ANSWER: GRC, PCR, and USA Funds deny that the loan documents at issue did not contain Smith's signature, but are without sufficient information to admit or deny the remaining allegations contained in this paragraph.¹

Prayer for Relief

WHEREFORE, Defendants GRC, PCR, and USA Funds pray that Smith take nothing by way of the Complaint, and respectfully request the Court enter judgment in their favor and against Smith, and grant all other relief the Court deems appropriate.

Affirmative Defenses

1. This Court lacks jurisdiction over Smith's Complaint.
2. Smith fails to state a claim upon which relief can be granted.
3. Smith's claims are barred, in whole or in part, by her failure to exhaust administrative remedies pursuant to the Higher Education Act and associated regulations.
4. Smith's state law claims (if any) are barred, in whole or in part, because they are pre-empted by the Higher Education Act and associated regulations.
5. Smith lacks standing to bring her claims.

¹ Ms. Smith served GRC, PCR, and USA Funds with a slightly-different version of the Complaint than the one filed on October 29, 2018. [*Compare* Dkt. #001 with Dkt. #024-1 and 024-2] It appears this second version, signed December 28, 2018, was never filed and docketed with the Court. The December version raises substantially the same allegations and claims as the October version.

Because the December version of the Complaint was never filed, no response thereto is required. To the extent a response is required, and to the extent the December version makes allegations which are not contained in the October version, GRC, PCR, and USA Funds deny.

6. Smith's claims are barred, in whole or in part, by the applicable statute(s) of limitations.

7. Smith's claims are barred, in whole or in part, by the doctrines of unclean hands, laches, and/or estoppel.

8. Smith's claims are barred, in whole or in part, because of the fraudulent actions of Smith.

9. Without conceding that Smith has suffered any of the damages alleged, Smith's damages are barred, in whole or in part, by her failure to mitigate damages.

10. Without conceding that Smith has suffered any of the damages alleged, Smith's damages were caused, in whole or in part, by the conduct of a non-party to this litigation.

Reservation of Additional Defenses

GRC, PCR, and USA Funds have insufficient knowledge or information upon which to form a belief as to whether they may have additional, as yet unstated, defenses available. GRC, PCR, and USA Funds reserve their rights to assert additional defenses in the event discovery indicates such defenses would be appropriate.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Justin A. Allen

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Pioneer Credit Recovery, Inc., General Revenue
Corporation, and United Student Aid Funds, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's CM/ECF system.

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Notice of this filing will be sent to the following parties by U.S. First-Class Mail, postage prepaid upon:

Condra Smith
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/s/ Justin A. Allen

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